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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

11

Application Number

10/642,350

Filing Date

August 15, 2003

First Named Inventor

Spencer B. Dick

Art Unit

Examiner Name

Attorney Docket Number

PAI 308B

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/
Incomplete Application



Reply to Missing Parts
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a
Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD



After Allowance Communication to TC



Appeal Communication to Board
of Appeals and Interferences



Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify
below):

1. Exhibit A;
2. Exhibit B;
3. Declaration of Pamela A. Knight; and
4. return receipt postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Kolisch Hartwell, P.C.

Signature

Printed name

Pierre C. Van Rysselberghe

Date

June 1, 2005

Reg. No.

33,557

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

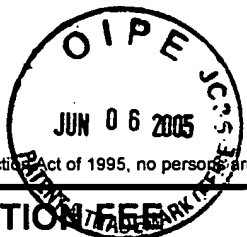
Pamela A. Knight

Date

June 1, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/642,350
Filing Date	August 15, 2003
First Named Inventor	Spencer B. Dick
Art Unit	
Examiner Name	
Attorney Docket Number	PAI 308B

Enclosed is a petition filed under 37 CFR 1.17(h) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.
This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 11-1540:
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of \$ 130.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature

Pierre C. Van Rysseberghe

Typed or printed name

June 1, 2005

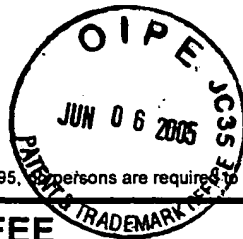
Date

33,557

Registration No., if applicable

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Application Number	10/642,350
Filing Date	August 15, 2003
First Named Inventor	Spencer B. Dick
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Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

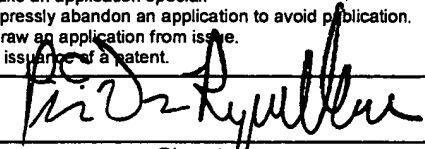
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- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

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- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.



Signature
Pierre C. Van Rysselberghe

Typed or printed name

June 1, 2005
Date
33,557

Registration No., if applicable

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

June 1, 2005

SPENCER B. DICK



Serial No. : 10/642,350

Our File – PAI 308B

Filed : August 15, 2003

For : CARRIAGE AND RAIL ASSEMBLY FOR A
LINEAR POSITIONING SYSTEM

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

PETITION TO WITHDRAW NOTICE OF
ABANDONMENT PURSUANT TO 37 C.F.R. § 1.181

Applicant submits this Petition to Withdraw Notice of Abandonment Pursuant to 37 C.F.R. § 1.181 for reinstatement of the application and resetting the time period within which applicant may respond to the Notice to File Missing Parts.

On August 15, 2003, applicant filed the above-identified patent application as a "missing parts" application. Applicant's undersigned attorney received our return receipt postcard stamped with a Serial Number and filing date (attached as Exhibit A). The return receipt postcard indicated that the transmittal (Exhibit B) was received. The transmittal shows the proper correspondence address for applicant's attorney. Applicant then filed on January 27, 2004 an Information Disclosure Statement and on May 27, 2004, a Supplemental Information Disclosure Statement. Applicant received return receipt postcards stamped by the Patent Office for both Information Disclosure Statements. To date, applicant has not received a filing receipt or a Notice to File Missing Parts of a Nonprovisional Application.

On May 18, 2005, applicant's undersigned attorney's office telephoned the Office of Initial Patent Examination inquiring about the status of this application. The Office informed us that a Notice of Abandonment was issued in October, 2004. (See attached

Declaration of Pamela A. Knight.) The Office stated the reason for the abandonment notice was because they had no record of an address on file when the patent application was initially filed. When a further inquiry was made, we were informed that the application was stamped with a "lost transmittal."

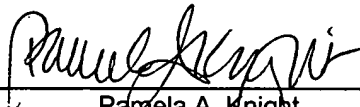
A properly completed form PTO/SB/05 (05-03) Utility Patent Application Transmittal (Exhibit B) was filed along with the patent application. This transmittal lists the name of the attorney, the name of the firm and the address of the person handling this case. A return receipt postcard listing all components submitted for filing accompanied the application which also lists the firm name and address. The Patent Office stamp of a Serial Number and Filing Date indicates receipt of all components listed on that postcard.

Accordingly, applicant hereby requests reinstatement of the above-identified application and resetting of the time period for which applicant may respond to the Notice to File Missing Parts of Nonprovisional Application. Enclosed is our check in the amount of \$130.00 covering the petition fee as required by 37 C.F.R. § 1.17(h). Please credit any overpayment or charge any required fees to our Deposit Account No. 11-1540. A duplicate of this sheet is enclosed.

Please contact applicant's undersigned attorney if anything further is required.

CERTIFICATE OF MAILING

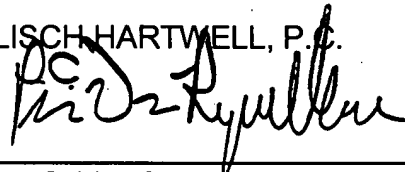
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 1, 2005.



Pamela A. Knight
Date of Signature: June 1, 2005

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Pierre C. Van Rysselberghe
Registration No. 33,557
Customer No. 23581
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
of Attorneys for Applicants/Assignee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

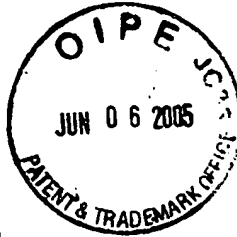
In re Application of

SPENCER B. DICK

Serial No. : 10/642,350

Filed : August 15, 2003

For : CARRIAGE AND RAIL ASSEMBLY FOR A
LINEAR POSITIONING SYSTEM



June 1, 2005

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

DECLARATION OF PAMELA A. KNIGHT

I, Pamela A. Knight, declare as follows:

1. I am employed with Kolisch Hartwell, P.C. and the assistant to Pierre C. Van Rysselberghe, the attorney handling the above-identified patent application.

2. I assembled and mailed the above-identified application on August 15, 2003 which included a return receipt postcard, patent application transmittal, patent application and three sheets of drawings.

3. On May 18, 2005, I telephoned the Patent Office inquiring about the status of the above-identified application because we did not receive a filing receipt or a Notice to File Missing Parts. I was transferred to the Office of Initial Patent Examination. The person I spoke with was Sherry Haywood. When I inquired as to the status, she told me that the application was abandoned. She stated that they received the application with no transmittal. I told her we received a stamped return receipt postcard indicating they had received everything. She also informed me that on November 12, 2003, they generated a Notice to File Missing Parts and put it in the file. I brought to her attention that we filed two Information Disclosure Statements on January 27, 2004 and May 27, 2004 which included all pertinent contact information. She informed me that they are not

looked at, but merely put in the file. She stated that on October 28, 2004 a Notice of Abandonment was generated and put in the file.

I so declare under penalty of perjury.

Date: June 1, 2005


Pamela A. Knight



KOLISCH HARTWELL, PC
200 Pacific Building
520 S.W. Yamhill Street
Portland, Oregon 97204



AUG 8 2003



PATENT

SN/Pat. No. _____ KH File No. PAI 308B Atty/Sec. PVR:pak
Applicant(s) Spencer B Dick Date 8/15/03
Title CARRIAGE AND RAIL ASSEMBLY FOR A LINEAR POSITIONING

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon: **SYSTEM**

☒ PA w/ 3 sheets of drawings ☒ Transmittal
☐ Declaration / Power of Attorney ☐ Small Entity Status
☐ Assignment ☐ Extension of Time _____ mos.
☐ Response to OA dated: _____ ☐ Correction of Filing Receipt
☐ Issue Fee /Publication Fee ☐ Maintenance Fee No. _____
☐ Request and Certification for Nonpublication
☐ Information Disclosure Statement (with PTO-1449 form and references)
☐ Other _____
☐ Other _____
☐ Check for \$ _____
☒ Certificate of Mailing _____ First Class ☒ Express Mail No. EV315138627US

03916 U.S. PTO

10/642350

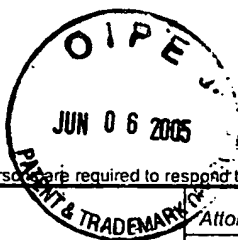


08/15/03

DOCKETED

By JE Date 9/23/03

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PTO/SB/05 (05-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

PAI 308B

First Inventor

Spencer B. Dick

Title

CARRIAGE AND RAIL ASSEMBLY FOR A LINEAR
POSITIONING SYSTEM

Express Mail Label No.

EV315138627US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents
Mail Stop Patent Application
P.O. Box 1450
Alexandria VA 22313-1450

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 12]
(preferred arrangement set forth below)
- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table,
or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Sheets]
a. ☐ Newly executed (original or copy)
b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Reader Form (CRF)

- b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ Paper

- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1499 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Prior application information:

Examiner:

Art Unit:

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label

23581

(Insert Customer No. or Attach bar code label here)

OR ☐ Correspondence address below

Name	Pierre C. Van Rysselberghe				
Address	Kolisch Hartwell, P.C. 520 S.W. Yamhill Street, Suite 200				
City	Portland	State	Oregon	Zip Code	97204
Country	United States	Telephone	(503) 224-6655	Fax	(503) 295-6679
Name (Print/Type)	Pierre C. Van Rysselberghe		Registration No. (Attorney/Agent)	33,557	
Signature			Date	08/15/2003	

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S02298751EVA